

UNITED STATES OF AMERICA
DISTRICT OF MASSACHUSETTS

NARCISO FRANCO,)
Petitioner) CIVIL ACTION No. 05-10862-MEL
v.)
UNITED STATES OF AMERICA,)
Respondent)

GOVERNMENT'S MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE ITS RESPONSE TO
PETITIONER'S MOTION UNDER 28 U.S.C. § 2255

The United States of America, by Michael J. Sullivan, United States Attorney, and Michael J. Pelgro, Assistant U.S. Attorney, hereby files this motion for an extension of time within which to file its response to the petitioner's motion under 28 U.S.C. § 2255. For the reasons set forth below, the government seeks an extension to Monday, August 1, 2005.


In support of this motion, the government states that the undersigned government counsel only recently received the Court's notice concerning the filing of a response to the petition as the AUSA who prosecuted the criminal case (AUSA Dickens Mathieu) left the office over a year ago as did the AUSA who dealt with the petitioner's direct appeal in his criminal case (AUSA Brian Leske). The government has to retrieve from archives its file in the criminal case and may need to order transcripts, depending on what was transcribed for the direct appeal. Further time is needed to accomplish

these tasks. In addition, government counsel has been heavily involved in several other investigations, trials, and appeals and thus has been unable to complete an appropriate response to date.

The government, therefore, respectfully requests that the Court grant it an extension of time within which to file its response to August 1, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: 
MICHAEL J. PELGRO
Assistant U.S. Attorney

DATED: May 27, 2005.

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

Narciso A. Franco
Inmate No. 23787-038
FSL Elkton, Unit H/A
P.O. Box 10
Lisbon, OH 44432

This 27th day of May 2005.



MICHAEL J. PELGRO
ASSISTANT UNITED STATES ATTORNEY